

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 31791 of 2006(I)

PETITIONERS:

1. P.RUKMINI, PULPARAMBIL HOUSE,
P.O.KUMARANELLOOR, KAZHAKAM,
SREEKRISHNA TEMPLE, ANNAYAMKUNNU,
VIA MUKKAM, KOZHIKODE DISTRICT.
2. P.K.KRISHNAN NAMBOODIRI,
KUNNATH ILLAM, P.O.KALLURUTTY,
MELSHANTHI, SREEKRISHNA TEMPLE, ANNAYAMKUNNU,
VIA MUKKAM, KOZHIKODE DISTRICT.

BY ADV. SMT.ANU SIVARAMAN

RESPONDENTS:

1. THE COMMISSIONER, HR & CE,
CIVIL STATION, KOZHIKODE.
2. P.A.MOHANRAJ, CHAIRMAN,
BOARD OF TRUSTEES, AANAYAMKUNNU SREE KRISHNA
TEMPLE, KUMARANELLOOR P.O., VIA MUKKAM,
KOZHIKODE DISTRICT.
3. THE MANAGER,
AANAYAMKUNNU SREEKRISHNA TEMPLE,
KUMARANELLOOR P.O., VIA MUKKAM, KOZHIKODE-7.
4. O.P.SANKARAN NAMBOODIRIPAD,
PATTISSERI ILLAM, KOZHIKODE, CHATHAMANGALAM,
KOZHIKODE DISTRICT.

BY ADV. SMT.T.RESMI DAMODARAN
GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONERS EXHIBITS:

- EXT-P1: TRUE COPY OF THE REGISTER OF EMPLOYEES MAINTAINED BY THE DEPARTMENT
- EXT-P2: TRUE COPY OF THE REPLY DATED 21.7.2006
- EXT-P3: TRUE COPY OF THE 1ST PAGE OF THE SSLC BOOK OF THE 1ST PETITIONER
- EXT-P4: TRUE COPY OF THE ORDER DATED 8.11.2006

/TRUE COPY/

K.BALAKRISHNAN NAIR,J.

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Dated this the 13th day of July, 2007

J U D G M E N T

The 1st petitioner challenges Ext.P4 order of the 1st respondent - Commissioner of Hindu Religious and Charitable Endowments. While disposing of a petition filed against the continuance of the 1st petitioner as Kazhakam, the Commissioner declared that the petitioner is not eligible to get customary right of Kazhakam as she belongs to Nair community. Hence this writ petition challenging Ext.P4.

2. Learned counsel for the respondents pointed out that the 1st petitioner has got a right of revision against Ext.P4 before the Government. Learned counsel for the petitioners submit that the 1st petitioner will invoke that remedy and till the revision is disposed of she may be allowed to function as Kazhakam.

3. In view of the statutory right of revision available to the 1st petitioner, this writ petition is closed giving an opportunity to her to invoke the said remedy. With regard to the prayer of the 1st petitioner to keep in abeyance Ext.P4 till she moves the Government cannot be granted. I think

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finding of the competent authority should remain in force until the same is reversed by higher authority.

The writ petition is disposed of as above.

(K.BALAKRISHNAN NAIR,JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007